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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—
GENERAL

Case No. 5:25-cv-01341-SSS-BFMx

Date July 14, 2025

Title *Gilmer Alberto Cabrera Armas v. Warden of the Desert View Facility*

Present: The Honorable

SUNSHINE S. SYKES, UNITED STATES DISTRICT JUDGE

Irene Vazquez

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

Attorney(s) Present for Defendant(s):

None Present

None Present

**Proceedings: (IN CHAMBERS) ORDER DISMISSING CASE FOR
LACK OF SUBJECT MATTER JURISDICTION [DKT. 1]**

Federal district courts “have an independent obligation to determine whether subject-matter jurisdiction exists, even in the absence of a challenge from any party.” *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 514 (2006).

Here, Plaintiff Gilmer Alberto Cabrera Armas (“Cabrera Armas”) filed a Motion for Stay of Removal pending a decision by U.S. Immigration and Customs Enforcement (ICE) on his Form I-246, Application for a Stay of Deportation or Removal. [Dkt. 1]. In reviewing Plaintiff’s Motion, it has come to this Court’s attention that this Court lacks subject matter jurisdiction over this case.

The REAL ID Act of 2005 precludes districts courts from considering Plaintiff’s motion. *Gomez v. Holder*, No. SACV 13-718 PA (MAN), 2013 WL 12144082 at *1 (C.D. Cal. May 6, 2013) (clarifying that the Act “precludes this Court from having subject matter jurisdiction to consider petitioner’s claims”). *See also Momeni v. Chertoff*, 521 F.3d 1094, 1095 (9th Cir. 2008) (reiterating that district courts plainly lack habeas jurisdiction over challenges to removal orders).

Because this Court has a duty on its own to ensure it possesses jurisdiction over the subject matter of this case before reaching the merits, *Ruhrgas AG v. Marathon Oil, Co.*, 526 U.S. 574, 577, 583 (1999), the Court **DENIES WITHOUT PREJUDICE** Cabrera Armas's motion for stay of removal. In light of this order, the Court instructs Cabrera Armas to file the petition in the Ninth Circuit.

IT IS SO ORDERED.